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Paper No. 13

In re application of

H. Peter W. Hey et al.

Serial No. 09/687,053

Filed: October 12, 2000

For: DEPOSITION UNIFORMITY CONTROL FOR ELECTROPLATING APPARATUS, AND ASSOCIATED METHOD

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed January 16, 2003 for failure to pay the required issue fee in response to the Notice of Allowance, dated July 9, 2002. Applicants assert that they never received the Notice of Allowance.

DECISION

The petitioner asserts that the Office Action was never received, therefore the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence presented is sufficient to establish that applicants did not receive the said office action. The submitted evidence is a statement that applicants did not receive the Notice of Allowance, a statement that applicants' attorney reviewed the office records to confirm the non-receipt, and a copy of the docket record where the nonreceived Office Action would have been entered had it been received. Additionally, it appears that the Change of Address sent on October 12, 2000, was never properly entered.

Therefore, the Notice of Abandonment of November 20, 2002 is hereby withdrawn. Hence, the case is returned to pending status and will be returned to the LIE for 1) entering the Change of Address dated October 12, 2000, 2) mailing of a new Notice of Allowance (PTOL-85) and 3) for restarting of the time period for paying the required issue fee.

The Petition is GRANTED.

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